

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FLOSPORTS, INC.,	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 1:17-cv-1043
	§	
WWN, INC.,	§	
Defendant.	§	

NOTICE OF REMOVAL OF CIVIL ACTION

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant WWN, Inc. hereby removes this action from the 126th Judicial District Court of Travis County, Texas, to this Court. In support of this Notice of Removal, Defendant states as follows:

1. State Court Action. Plaintiff filed a civil action on September 15, 2017 in Travis County District Court, 126th Judicial District Court, Cause No. D-1-GN-17-005152 (the “State Court Action”). Plaintiff brings claims for breach of contract and negligent misrepresentation. Plaintiff did not demand a trial by jury.

2. Removal is Timely. Plaintiff purported to serve Defendant a copy of the Original Petition and the citation on October 16, 2017 by making service on the Texas Secretary of State. This notice is timely filed pursuant to 28 U.S.C. § 1446(b) because Defendant is removing this action within 30 days after Plaintiff served the Texas Secretary of State.

3. Venue. This Court is the proper venue for this action pursuant to 28 U.S.C. § 1441(a) as the Travis County District Court, where Plaintiff commenced this action, is located in the judicial district of the United States District Court for the Western District of Texas.

4. Jurisdiction Exists. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332, and this action may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446, because it is an action between diverse parties and Plaintiff is seeking damages greater than \$75,000, exclusive of interest and costs.

a. Diverse Parties. There is diversity of citizenship between the parties. Defendant is a Florida corporation with its principal place of business at 7383 Monterey Blvd., Tampa, Florida. On information and belief, Plaintiff is incorporated in Delaware, and its principal place of business is at 2922 East Cesar Chavez Street, Austin, Travis County, Texas. Pet. ¶ 6. Accordingly, diversity of citizenship exists pursuant to 28 U.S.C. § 1332(a) because this action is between citizens of different states. The parties were citizens of different states at the time the Petition was filed in the state action.

b. Damages Greater than \$75,000. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. In both Plaintiff's Original Petition and in the Civil Case Information Sheet filed with the Court, Plaintiff stated that the damages sought are in excess of \$1,000,000. Pet. ¶ 5.

5. Process and Papers. Pursuant to 28 U.S.C. § 1446(a) WWN includes: (a) an index that clearly identifies each document and indicates the date the document was filed in the State Court Action (attached as Exhibit A); (b) a copy of the docket sheet in the State Court Action (attached as Exhibit B); and each document filed in the State Court Action, except discovery (attached as follows: Exhibit C (a true and correct copy of the Original Petition and Civil Case Information Sheet received by Defendant and filed with the Travis County District Court in Cause No. D-1-GN-15-002447); Exhibit D (correspondence to the Travis County District Clerk from Plaintiff's counsel requesting issuance of citation on Defendant); Exhibit E

(correspondence from the Texas Secretary of State forwarding service of citation on Defendant and Affidavit of Service); and Exhibit F (Certificate of Service from the Texas Secretary of State)). There are no other pleadings and/or orders served on Defendant in the case.

6. Notice. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiff. A notice of filing of this Notice of Removal is being filed with the Clerk of the Travis County District Court, contemporaneously with the filing of this Notice of Removal, in accordance with 28 U.S.C. § 1446(d) and is attached hereto and incorporated by reference as Exhibit G (Notice without attachments).

7. Preservation of Objections and Defenses. This removal is without prejudice or waiver of any defense (under Rule 12 or otherwise) or right of Defendant (including without limitation any defenses relating to service or personal jurisdiction) and Defendant does not concede that Plaintiff has pleaded any claims upon which relief can be granted.

8. No previous application has been made for removal.

CONCLUSION

For the foregoing reasons, this action is properly removable under 28 U.S.C. §§ 1332, 1441, and 1446. The matter entitled *FloSports, Inc. v. WWN Inc.*, Travis County District Court, 126th Judicial District Court, Cause No. D-1-GN-17-005152 is removed to the United States District Court for the Western District of Texas, Austin Division, and Defendant respectfully requests that this court assume full jurisdiction over this action as provided by law. Defendant further requests any such other relief to which it may be justly entitled.

Respectfully submitted,

REEVES & BRIGHTWELL LLP

/s/ Paul Schlaud

Paul Schlaud

State Bar No. 24013469

Manasi Rodgers

State Bar No. 24090361

221 W. 6th Street, Suite 1000

Austin, Texas 78701

pschlaud@reevesbrightwell.com

mrodgers@reevesbrightwell.com

(512) 334-4500 (Phone)

(512) 334-4492 (Fax)

**ATTORNEYS FOR DEFENDANT
WWN, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November 2017, the foregoing document was served via electronic mail and regular U.S. mail on the following counsel of record for Plaintiff:

Karen Burgess

Richardson + Burgess LLP

221 West 6th St., Suite 900

Austin, TX 78701-3445

kburgess@richardsonburgess.com

/s/ Manasi Rodgers

Manasi Rodgers

EXHIBIT A

Cause No. D-1-GN-17-005152

FLOSPORTS, INC.,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
WWN INC.,	§	
Defendant.	§	126 TH JUDICIAL DISTRICT

INDEX TO STATE COURT FILINGS

<u>Filing Date</u>	<u>Description</u>
09/15/2017	Plaintiff's Original Petition
09/15/2017	Civil Case Information Sheet
10/13/2017	Plaintiff's Request for Issuance of Citation
10/19/2017	Executed Service of Citation
10/30/2017	Secretary of State Certificate of Service

EXHIBIT B

**District Clerk - AARO - Attorney Access to Records Online****Details**

Updated : Thursday, November 2, 2017 5:15:34 AM

Cause Number

D-1-GN-17-005152

[Request Documents \(/aaro/Content/record_search_fill\)](/aaro/Content/record_search_fill)**Style**

FLOSPORTS V WWN INC

[New Search \(/aaro/\)](/aaro/)**Filed Date**

9/15/2017

Court

126

Type

BREACH OF CONTRACT (GEN LIT)

Case Status

PENDING

Action/Offense**Hearing Date**

Attorney	Type	Party - Full/Business	Party - Person
	DEFENDANT	WWN INC	
BURGESS KAREN CROOK	PLAINTIFF	FLOSPORTS INC	

Date	Court	Party	Description	Category	Pages	
10/31/2017	126	DF	SECT STATE SERVICE CERT W/SRV	SRVPROCESS	0	PDF not available
10/30/2017	126	DF	SECT STATE SERVICE CERT W/SRV	SRVPROCESS	3	Download (/aaro/Default/GetPdf?barCodeId=5494909)
10/19/2017	126	DF	EXECUTED SERVICE	SRVPROCESS	2	Download (/aaro/Default/GetPdf?barCodeId=5471058)
10/16/2017	126	DF	ISS:CITATION SEC ST-INS-HWY	ISSUANCE	0	PDF not available
10/13/2017	126	PL	OTHER FILING	OTHER	1	Download (/aaro/Default/GetPdf?barCodeId=5462821)
9/15/2017	126	DF	ISS:CITATION	ISSUANCE	0	PDF not available
9/15/2017	126	PL	ORIGINAL PETITION/APPLICATION	PET-PL	7	Download (/aaro/Default/GetPdf?barCodeId=5409648)

[Request Documents \(/aaro/Content/record_search_fillable.pdf\)](/aaro/Content/record_search_fillable.pdf)[New Search \(/aaro/\)](/aaro/)

EXHIBIT C

9/15/2017 11:11 AM

Velva L. Price
District Clerk
Travis County
D-1-GN-17-005152
Carrisa Escalante

CAUSE NO. D-1-GN-17-005152

FLOSPORTS, INC.	§	IN THE DISTRICT COURT
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
WWN, INC.	§	<u>126TH</u> JUDICIAL DISTRICT

PLAINTIFF FLOSPORTS, INC.'S ORIGINAL PETITION

Plaintiff FloSports, Inc. ("Plaintiff" or "FloSports") hereby files this original petition and asserts the following claims against Defendant WWN, Inc. ("Defendant" or "WWN").

I. BACKGROUND

1. WWN contractually promised that "all data [it] provided . . . regarding financial performance of events [it] put on . . . was accurate, reliable and truthful." Far from honoring that commitment, WWN induced FloSports to pay it hundreds of thousands of dollars based on data that was not only inaccurate and unreliable; it was just plain false.

2. WWN negligently or otherwise misrepresented the number of fans purchasing pay-per-view and video-on-demand access to their fighting events. When pressed for the data that backed up WWN's spreadsheet of viewership, WWN originally claimed it had lost or deleted that information. Ultimately, WWN sent records listing many subscribers more than once and including purchasers of DVDs instead of broadcast services. Even with that artificial inflation of viewership, the numbers WWN attempted to account for were far less than those represented in its initial spreadsheet.

3. In reliance on WWN's false statements, FloSports invested time and money that it will never recover in the market. Since viewership drives FloSports' subscription-base and its advertising revenue, WWN's misrepresentations robbed FloSports of the benefit of FloSports' bargain.

II. DISCOVERY CONTROL PLAN

4. Plaintiff intends discovery to be conducted under Texas Rule of Civil Procedure 190.3 (Level 3).

III. CLAIM FOR RELIEF

5. For the purposes of Rule 47 of the Texas Rules of Civil Procedure, FloSports states it is seeking damages of more than \$1 million.

IV. PARTIES

6. Plaintiff FloSports is a Delaware corporation with its principal place of business located at 2922 East Cesar Chavez Street, Austin, Texas 78202.

7. Defendant WWN is a Florida corporation. WWN may be served with process by serving its registered agent, Catherine A. Huett, 7383 Monterey Boulevard, Tampa, Florida 33625-6583.

V. CAUSES OF ACTION

A. Breach of Contract

8. WWN breached the Exclusive Media Event Agreement (the "Agreement"). FloSports performed its obligations under the Agreement; all conditions precedent have been met and presentment has been made. FloSports suffered damages as a result of WWN's breaches. In addition to damages, FloSports is entitled to its costs, prejudgment interest and attorneys' fees.

B. Negligent Misrepresentation

9. Negligently or otherwise WWN misrepresented the number of fans purchasing pay-per-view and video-on-demand access to their fighting events. WWN did not use reasonable care in obtaining or communicating the information. The misrepresentations and omissions were material. A reasonable person would attach importance to and be induced to act on WWN's representations. WWN had reason to expect that FloSports would rely on its representations, and FloSports did, indeed, reasonably and justifiably rely upon them.

VI. DAMAGES

10. Plaintiff respectfully requests that the Court enter judgment for its actual damages, consequential damages, special damages, attorneys' fees, interest and costs.

VII. ATTORNEYS' FEES

11. Pursuant to TEX. CIV. PRAC. & REM. CODE § 38.001(8) and the terms of the Agreement, FloSports is entitled to recover the reasonable and necessary attorneys' fees and costs incurred in the prosecution of this action. FloSports has made proper presentment.

Respectfully submitted,

RICHARDSON + BURGESS LLP
221 West 6th Street, Suite 900
Austin, Texas 78701-3445
Telephone: (512) 482-8808
Facsimile: (512) 499-8886
Email: kburgess@richardsonburgess.com



By: _____
Karen C. Burgess
State Bar No. 00796276

**ATTORNEYS FOR PLAINTIFF
FLOSPORTS, INC.**

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED **FLOSPORTS, INC. V. WVN, INC.,**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Karen C. Burgess</u> Email: <u>kburgess@richardsonburgess.com</u> Address: <u>221 W 6th St Ste 900</u> Telephone: <u>(512) 482-8808</u> City/State/Zip: <u>Austin, TX 78701</u> Fax: <u>(512) 499-8886</u> Signature: <u>/s/ Karen C. Burgess</u> State Bar No: <u>00796276</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>FLOSPORTS, INC.</u> Defendant(s)/Respondent(s): <u>WVN, INC.</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
<i>Civil</i>			<i>Family Law</i>		
Contract <input type="checkbox"/> Debt/Contract <input checked="" type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorneys fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

EXHIBIT D

10/13/2017 1:54 PM



Richardson + Burgess LLP

Velva L. Price
District Clerk
Travis County
D-1-GN-17-005152
Nancy Rodriguez

COVER SHEET

DATE: October 13, 2017

TO: Velva L. Price, Travis County District Clerk

Re: Cause No. D-1-GN-17-005152; *FloSports, Inc. v. WWN, Inc.* in the 126th District Court,
Travis County, Texas

FROM: Eric Boucheron

NUMBER OF PAGES TO FOLLOW: 0

Plaintiff FloSports, Inc. respectfully requests issuance of citation for Defendant WWN, Inc., to be served on the Texas Secretary of State by certified mail to Service of Process, Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079. Once prepared, please email the citation to Eric Boucheron (eboucheron@richardsonburgess.com) to be served on Texas Secretary of State. Enclosed please find the \$12.00 fee required for the issuance of this citation.

Thank you.

EXHIBIT E

The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

October 19, 2017

WWN Inc.
Registered Agent Catherine A. Huett
7383 Monterey Boulevard
Tampa, FL 33625-6583

2018-284672-1

Include reference number in
all correspondence

RE: Flosports, Inc. Vs. WWN, Inc.
126th Judicial District Court Of Travis County, Texas
Cause No: D1GN17005152

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on October 16, 2017.

CERTIFIED MAIL #71901046470100819466

Refer correspondence to:

Karen C. Burgess
Richardson + Burgess LLP
221 West 6th Street, Suite 900
Austin, TX 78701-3445

Sincerely,

A handwritten signature in cursive script that reads "Venita Okpegbue".

Venita Okpegbue
Team Leader, Service of Process
GF/dc
Enclosure

10/19/2017 7:48 AM

Velva L. Price
 District Clerk
 Travis County
 D-1-GN-17-005152
 Terri Juarez

CITATION
 THE STATE OF TEXAS
 CAUSE NO. D-1-GN-17-005152

FLOSPORTS, INC.

, Plaintiff

vs.

WVN, INC.

, Defendant

TO: WVN INC.
 BY SERVING ITS REGISTERED AGENT CATHERINE A. HUETT
 7383 MONTEREY BOULEVARD
 TAMPA, FLORIDA 33625-6583
 BY SERVING THROUGH THE SECRETARY OF STATE
 ROLANDO B. PABLOS, OR HIS AGENT/SUCCESSOR
 ATTN: CITATION DIVISION
 PO BOX 12079
 AUSTIN, TEXAS 78711-2887

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the PLAINTIFF FLOSPORTS, INC.'S ORIGINAL PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on SEPTEMBER 15, 2017, in the 126TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, October 16, 2017.

REQUESTED BY:
 KAREN CROOK BURGESS
 221 W 6TH STREET, STE. 900
 AUSTIN, TX 78701-3445
 BUSINESS PHONE: (512) 482-8808 FAX: (512) 499-8886



Velva L. Price
 Velva L. Price
 Travis County District Clerk
 Travis County Courthouse
 1000 Guadalupe, P.O. Box 679003 (78767)
 Austin, TX 78701

PREPARED BY: RODRIGUEZ NANCY

RETURN

Came to hand on the ____ day of _____, ____ at ____ o'clock ____ M., and executed at _____ within the County of _____ on the ____ day of _____, ____ at ____ o'clock ____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the PLAINTIFF FLOSPORTS, INC.'S ORIGINAL PETITION accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

 Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the _____

By: _____

____ day of _____,

Affidavit Attached_____
 Printed Name of Server

Notary Public, THE STATE OF TEXAS

 County, Texas

D-1-GN-17-005152

SERVICE FEE NOT PAID

P12 - 000001352

☐ Original☐ Service Copy

CAUSE No. D-1-GN-17-005152

FLOSPORTS, INC.

VS.

WWN, INC.

§
§
§
§
§

IN THE DISTRICT COURT

126TH JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

AFFIDAVIT

STATE OF TEXAS
COUNTY OF TRAVIS

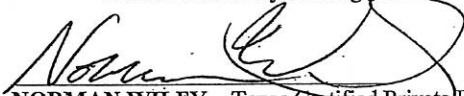
§
§

"My name is **NORMAN WILEY** and I am a Certified Private Process Server authorized by written order by the Texas Supreme Court to serve Citations and other notices in this cause. I am not less than eighteen years of age; I am of sound mind and capable of making this Affidavit. I have never been convicted of a felony or misdemeanor involving moral turpitude. I am not a party to or interested in the outcome of the cause and am competent to testify to the facts stated in this affidavit, which are based on personal knowledge and are true."

"I received the documents described as a **CITATION and PLAINTIFF FLOSPORTS, INC.'S ORIGINAL PETITION** on the 16TH Day of **OCTOBER, 2017** at 4:30 P.M., to be delivered to the within named Defendant, **WWN, INC.**, by delivering through the Texas Secretary of State, located at 1019 Brazos Street, Austin, Texas 78701."

"On the 16TH Day of **OCTOBER, 2017**, at 4:45 P.M., I delivered two duplicate copies of the **CITATION and PLAINTIFF FLOSPORTS, INC.'S ORIGINAL PETITION** to the within named Defendant, **WWN, INC.**, by delivering through the Texas Secretary of State, by hand delivering to Michelle Robinson – Citation Clerk for the Texas Secretary of State who is authorized to accept service, along with the \$55.00 statutory fee, located at 1019 Brazos Street, Austin, Texas 78701."

"Further affiant sayeth naught"



NORMAN WILEY – Texas Certified Private Process Server
JBCC # PSC1317 (Expires: 7/31/20)
Associated Litigation Services
9605 Blue Creek Lane
Austin, Texas 78758
(512) 426-0896

Before me, a notary public, on this day personally appeared, **NORMAN WILEY**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct and within his personal knowledge. Given under my hand and seal of office this 18 day of October, 2017.



Notary Public – State of Texas



EXHIBIT F



10/30/2017 5:36 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-17-005152
Irene Silva

The State of Texas
Secretary of State

2018-284672-1

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff Flosports, Inc.'s Original Petition. Plaintiff Flosports, Inc.'s Request For Disclosure And First Set Of Interrogatories And Requests For Production To Defendant WWN, Inc. in the cause styled:

Flosports, Inc. Vs. WWN, Inc.
126th Judicial District Court Of Travis County Texas
Cause No: D1GN17005152

was received by this office on October 16, 2017, and that a copy was forwarded on October 19, 2017, by CERTIFIED MAIL, return receipt requested to:

WWN Inc.
Registered Agent Catherine A. Haett
7383 Monterey Boulevard
Tampa, FL 33625-6583

The RETURN RECEIPT was received in this office dated October 23, 2017, bearing signature.



Date issued: October 24, 2017

A handwritten signature in black ink, appearing to read "Rolando B. Pablos".

Rolando B. Pablos
Secretary of State

GF/vm

The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0773
TTY (800) 352-989
www.sos.state.tx.us

Secretary of State

October 24, 2017

Karen C. Burgess
Richardson + Burgess LLP
221 West 6th Street, Suite 900
Austin, TX 78701-3445

2018-284672

Include reference number in
all correspondence

RE: Flosports, Inc. Vs. WWN, Inc.
126th Judicial District Court Of Travis County, Texas
Cause No: D1GN17005152

Dear Sir/Madam:

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Orta".

Michael Orta
Service of Process

Enclosure

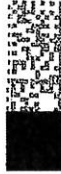


Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

RETURN SERVICE
REQUESTED

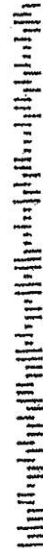
ADDRESS
SERVICE
REQUESTED

reopostSM
10/25/2017
FIRST-CLASS MAIL
AUTO
USPS[®] \$000.40³



ZIP 78701
041L12203105

66 IMIWNAB 78701



Unofficial copy Travis Co. District Clerk Velva L. Price

EXHIBIT G

Cause No. D-1-GN-17-005152

FLOSPORTS, INC.,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
WWN INC.,	§	
Defendant.	§	126 TH JUDICIAL DISTRICT

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on November 3, 2017, Defendant, WWN, Inc., through its undersigned counsel, filed a Notice of Removal in the above-captioned action to the United States District Court for the Western District of Texas. A copy of the Notice of Removal, with all exhibits, is being filed herewith and is attached hereto as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, the filing of the Notice of Removal in the United States District Court for the Western District of Texas and in this Court effect the removal of the above-captioned action and this Court shall proceed no further with this action.

Respectfully submitted,

REEVES & BRIGHTWELL LLP

/s/ Paul Schlaud

Paul Schlaud

State Bar No. 24013469

Manasi Rodgers

State Bar No. 24090361

221 W. 6th Street, Suite 1000

Austin, Texas 78701

pschlaud@reevesbrightwell.com

mrodgers@reevesbrightwell.com

(512) 334-4500 (Phone)

(512) 334-4492 (Fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November 2017, the foregoing document was served electronically via the Clerk of Court, who will send notification of such filing to the following counsel of record for Plaintiff:

Karen Burgess
Richardson + Burgess LLP
221 West 6th St., Suite 900
Austin, TX 78701-3445
kburgess@richardsonburgess.com

/s/ Manasi Rodgers

Manasi Rodgers